

**EXHIBIT “17”**

1 | **REPORTER'S RECORD** **COPY**

2 TRIAL COURT CAUSE NO. 2020DCV2997

3 VOLUME 1 OF 1 VOLUMES

4 ALBERTO FLORES,  
5 Plaintiff,  
vs.  
KEYVAN PARSA, M.D. and  
MONTOYA PARK PLACE, INC.,  
Defendants,  
vs.  
WESTSTAR TITLE, L.L.C.,  
Intervenor/Third-Party  
Plaintiff,  
Fidelity National Title  
Insurance, CO.

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IN THE DISTRICT COURT  
OF EL PASO COUNTY, TEXAS  
327TH JUDICIAL DISTRICT

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## **MOTIONS HEARING**

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17 proceedings came on to be heard in the above-entitled  
18 and numbered cause before the Honorable THOMAS A.  
19 SPIECZNY Judge Presiding, via Zoom in accordance with  
20 the Supreme Court of Texas' Emergency Order Regarding  
21 the COVID-19 State of Disaster, held in El Paso, El Paso  
22 County, Texas:

23 Proceedings reported by machine shorthand  
24 utilizing computer-assisted realtime transcription.

25

1 witness.

2 Doctor, would you raise your right hand,  
3 please?

4 KEYVAN PARSA,  
5 having been first duly sworn by the Court, testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. BROWN:

9 Q. Dr. Parsa, can you please state your full name?

10 A. Keyvan Parsa.

11 Q. Doctor, you remember when you were here back on  
12 May 18th of this year and you testified on -- on the  
13 original motion that the defendants, Fidelity and  
14 WestStar, had filed for interpleader. Do you remember  
15 that?

16 A. Yes.

17 Q. And at that time I believe that you testified  
18 that the monies at issue, the \$700,000 and the \$338,000,  
19 remained on deposit at Wells Fargo; is that correct?

20 A. Yes.

21 Q. As of today, July 8th, 2021, do those monies  
22 still remain on deposit in those same accounts?

23 A. Yes, sir.

24 Q. When were the monies originally deposited into  
25 those accounts?

1 A. July 2020.

2 Q. And --

3 A. July -- July 20th, 2020.

4 Q. Now, after that but before the lawsuit, were  
5 the monies used as collateral for a credit line?

6 A. Yes.

7 Q. When did that take place after July 20th of  
8 2020?

9 A. August 2020.

10 Q. And that was in the name of what account  
11 holder?

12 A. Westmount Group.

13 THE COURT: Can you speak a little louder,  
14 please?

15 THE WITNESS: Yes.

16 Westmount Group.

17 Q. (BY MR. BROWN) And is the correct name of that  
18 entity Westmount Group, Inc.?

19 A. Yes.

20 Q. How are you affiliated with that entity?

21 A. I'm the president.

22 Q. All right. There's an Exhibit B that was  
23 attached to the joint motion for interpleader. You've  
24 had an opportunity to review that in preparation for  
25 today?

1       A. Yes.

2       Q. There were a couple letters that were attached  
3 that identified accounts in the name of Westmount Group,  
4 Inc., which back in January of 2021 had the respective  
5 sums of 700,000 and -- and 338,000 in them; is that  
6 correct?

7       A. That is correct.

8       Q. Now, are those the same accounts and the same  
9 funds that were deposited back in July of -- of '20?

10      A. Identical, yes.

11      Q. And so, to my understanding, a temporary  
12 injunction was issued and entered into in this case in  
13 the latter part of January of 2021; is that correct?

14      A. Yes.

15      Q. So since that date has there been any change in  
16 where these monies are deposited and in -- in what name?

17      A. No.

18      Q. If -- if the monies were to be removed at this  
19 point, are there any consequences that would flow --  
20 monetary consequences that would flow from doing that?

21      A. Yes.

22      Q. What are those?

23      A. At least the 4.5 penalty plus other fees, and,  
24 also, there are tax -- tax consequences, and most  
25 importantly, it's pledged to the loan, so it virtually

1 is illegal for me to take the funds and send it to the  
2 registry of the Court.

3 Q. Now, you said 4.5 penalty. Is it a  
4 4.5 percent --

5 A. Percent penalty. Yes.

6 Q. Calculated on the sum of \$1,038,000?

7 A. At least, yes.

8 Q. And you said there were other penalties or fees  
9 that would be incurred?

10 A. Yes.

11 Q. And would the -- you said it was -- it would be  
12 illegal to -- since the monies have been pledged as  
13 collateral, to -- to remove the funds from the accounts.  
14 Are you saying that in your -- to your understanding  
15 that would be a breach of the contract where -- whereby  
16 the funds were -- the monies were pledged?

17 A. Yes, that is correct.

18 MS. KELLEY: Objection, legal conclusion.

19 THE COURT: I'll -- I'll overrule it.

20 You may continue.

21 MR. BROWN: I'll pass the witness,  
22 Your Honor.

23 THE COURT: Okay. Let's keep the same  
24 order.

25 Mr. Kirk, do you want to question this

1 witness?

2 MR. KIRK: Yes, Your Honor. Thank you.

3 CROSS-EXAMINATION

4 BY MR. KIRK:

5 Q. Dr. Parsa, why did you not tell Albert Flores  
6 about the deposits into the Wells Fargo accounts?

7 THE WITNESS: Do I need to answer the  
8 question?

9 MR. BROWN: You need to.

10 THE WITNESS: I'm sorry?

11 MR. BROWN: You need to answer that.

12 THE WITNESS: Would you -- would you repeat  
13 one more time your question, sir?

14 Q. (BY MR. KIRK) Yes. Why did you not tell  
15 Albert Flores about the deposits into the Wells Fargo  
16 accounts?

17 MR. BROWN: Judge, I would object that that  
18 assumes facts not in evidence at this point, as  
19 Mr. Flores has never testified in this hearing.

20 THE COURT: I'll overrule the objection.

21 You can go ahead and answer.

22 THE WITNESS: I should answer?

23 MR. BROWN: Yes.

24 THE COURT: Yes.

25 THE WITNESS: Well, you know, if you look

1 STATE OF TEXAS )  
2 COUNTY OF EL PASO )  
3

4 I, Maria I. Stallings, Official Court Reporter in  
5 and for the 327th District Court of El Paso County,  
6 State of Texas, do hereby certify that the above and  
7 foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
14 the proceedings truly and correctly reflects the  
15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is \$97.00 and was  
18 paid by Mr. James Brewer, Esq.

19 WITNESS MY OFFICIAL HAND this the 15 th day of  
20 July, 2021.

21

22 /s/ Maria I. Stallings  
23 MARIA I. STALLINGS, Texas CSR# 8229  
24 Official Court Reporter  
327th District Court  
500 E. San Antonio, Rm. 606  
El Paso, TX 79901  
(915) 546-2032  
25 Expires May 31, 2023